

**Board of Forestry and Fire Protection
Title 14 of the California Code of Regulations**

[Notice Published February 26, 2002]

NOTICE OF PROPOSED RULEMAKING

Comment/Review Period -2002

The Board of Forestry and Fire Protection (Board) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend the following sections of Title 14 of the California Code of Regulations (14 CCR):

**§ 1037.4 Director's Determination
§ 1092.19 Time Periods for Review**

PUBLIC HEARING

The Board will hold a public hearing starting at 11:00 A.M., on Wednesday, April 3, 2002, at the Resources Building Auditorium, 1st Floor, 1416 Ninth Street, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the *Informative Digest*. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code § 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 P.M., on Monday, March 28, 2002. The Board will consider only written comments received at the Board office by that time (in addition to those comments received at the public hearing). The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
Attn: James L. Mote
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
Room 1506-14
1416 9th Street
Sacramento, CA

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

board.public.comments@fire.ca.gov

AUTHORITY AND REFERENCE

Public Resources Code (PRC) § 4551, 4551.5, and 4553 authorizes the Board to adopt such rules and regulations as it determines are reasonably necessary to enable it to implement, interpret or make specific section 4582.7 of the Public Resources Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Comment periods are regulated by PRC 4582.7. This statute has been changed to extend the comment and review periods. Title 14 of the California Code of Regulations sections 1037.4 and 1092.19 must be revised to insure consistency with the statute. The time period to accept public comment on Timber harvest plans has been extended by statute from 15 days following a preharvest inspection (PHI) to 30 days following a PHI. Ten of these days must be after the final interagency review team meeting. Further the time period allowed for the director to review the plan after the final interagency review has been extended from 10 to 15 working days. Although this statute has extended the time period for approval of the plan, in reality the time period is already routinely extended by mutual agreement between the plan submitter and the Director.

ADMINISTRATIVE REQUIREMENT

Existing language in Title 14 of the California Code of Regulations is inconsistent with the recent changes in statute. The Board proposes to amend the affected Forest Practice Rules to make them consistent with the statute. The Board proposed to do this under 1 CCR section 100(a)(6) *changes without regulatory effect*. The Board has determined that the changes will have no possible significant adverse environmental effects as required by 14 CCR 1142 as this is not a project.

CONTACT PERSON

Requests for copies of the proposed text of the regulations, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
Attn: James L. Mote
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 653-9418 or,
(916) 653-8007

The designated backup person in the event Mr. Mote is not available is Daniel Sendek, Executive Officer of the Board of Forestry and Fire Protection, at the above address and phone.

AVAILABILITY OF TEXT OF PROPOSED REGULATIONS

A copy of the express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion, is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at its office at the above address. All of the above referenced information is also available on the CDF web site at:

http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html

James L. Mote
Regulations Coordinator
Board of Forestry and Fire Protection

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File: com/rev period 30 Day Notice